

AMENDMENTS TO THE DRAWINGS

Kindly amend Fig. 1 and Fig. 3 as proposed.

It is noted that Figs. 1, 2, and 3 are provided with red-markings under 37 C.F.R. §1.121 with respective labels "Annotated Sheet" and that upon review and acceptance by the Examiner, new formal "Replacement Sheets" for Figs. 1 and 3 will be provided.

COMMENTS

Applicant has carefully considered the Examiner's comments in the instant Restriction Action. At present the Examiner asserts that a complete response must include (i) an election of species), and (ii) an identification of the claims encompassed by the elected species. The Examiner cautions that should election be made with traverse (as is the case here), Application should distinctly and specifically point out any supposed errors in the restriction.

Applicant respectfully responds as follows and provisionally identifies and elects with traverse, Species 1/ Fig. 1, and claim 1 generic (with claims 1, 2, 4-14, 15-17, 18-20, 21, 23-29) as being readable thereon for further prosecution on the merits as will be discussed. Applicant respectfully proposes that the restriction is improper regarding Species 1-5, requests its withdrawal and amendment, and amends the specification, and responds distinctly and specifically as follows.

Before going further, and in response to the restriction and traversal matters and arguments, it appears that an initial discussion of the invention and the enclosed hand-marked-up drawings may be useful to clarify the issues involved.

Applicant proposes the annotation to Fig. 1 as enclosed and labeled "Proposed Annotated Marked-Up Drawings" under 37 C.F.R. §1.121. Applicant requests that the Examiner consider the enclosed proposed marked-up Fig. 1 (and hand notes on Figs. 2-3) as it will assist the following discussion. Should the Examiner feel that formally amended drawings are beneficial to the public, Applicant suggests their willingness to provide the same in any subsequent formal filing. Applicant has amended the specification accordingly. Applicant also encloses for Examiner-consideration purposes only hand markings on Figs. 2-3 each labeled "Annotated Sheet."

The Examiner proposes that "the species are independent or distinct because, the shape number, and location of the port conductors and a spacer is included or not." (emphasis added). Applicant respectfully propose that 35 U.S.C. §121 requires that the "inventions" be both independent and distinct (MPEP §802.01) to survive specific restriction. Applicant proposes this is an unfortunate mis-reading of the disclosure now remedied by the proposed amendments. To

survive an analysis under 35 U.S.C. §121 the inventions must be both “independent” (meaning “no disclosed relationship”, not usable together) and “distinct” (meaning that the separate subjects are patentable over each other). Figs 1-5 are clearly interrelated sufficiently to avoid such restriction in view of the claimed scope.

Upon consideration of defined Species 1 and 2 in view of the marked-up Fig. 1, it is clear that Fig. 2 is merely a cross-section of Fig. 1 along lien I-I noting the positional placement of respective elements. Due to the top-view of Fig. 1, Fig. 2 was necessary to appreciate the spacer positions 22, 32 hidden under respective conductors 20a, 20b and 30. As is noted in sectional line I-I, the cross-section covers both types of wire connections 40 and 41 and their alternative connection points (on metal ribbons 12 or on components 13 as seen in Fig. 1). Cross-section Fig. 2 also allows appreciation of metal lamination 11 otherwise not visible top-view Fig. 1 due to coverage by substrate 10. As a result of this argument, it is proposed that Figs 1 and 2 are not distinct species and are clearly directly related.

Upon consideration of defined Species 3, it is clear that DC Port conductor 20b has been “cut” and removed from its position on Fig. 1. Here, each of the elements 21, 40, and the recess 23 (allowing passage of connections 42 shown in Fig. 1 but otherwise not visible from the top view)) is represented (note labeling error 41 noted on marked-up sheet Fig. 3). As a result of this argument, it is proposed that Figs. 1, 2, and 3 are not distinct species and are clearly directly interrelated. The view presented in Fig. 3 is the only possible perspective view representing recess 23 in Fig. 1 while also showing bases 26 so as to show the interconnection between conductor 20b and the remaining portion of Fig. 1.

It is therefore proposed that the instant restriction defining species 1, 2, and 3 is incorrect because specifically Figs. 2 and 3 are mere portions of Fig. 1 in representational or separated views. With this view in mind, the enclosed claims (1, 2, 4-14, 15-17, 18-20, 21, 23-29) are all readable upon Species 1 (Figs. 1-3). For example, Claim 14 is a combination of claim 1 and 10 where the insulation layer 22 (spacers 22, 22a) is visible in Figs 2 and 3 but not 1. Figs. 4 and 5 are similarly readable upon the claims as there is no positional restriction within the claims. As a result, Figs. 4

and 5 may not be separated from the present application.

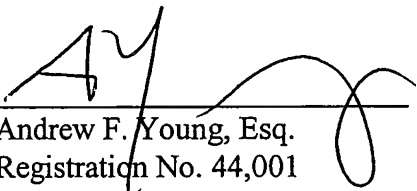
Applicant thanks the Examiner for his consideration and respectfully requests reconsideration of the instant action, the proposed amendments to Figs. 1 and 3, the proposed amendment to the specification, and thereafter prosecution on the merits of the entire application.

Applicant does believe that any fee is due with this communication. However, the Commissioner is hereby authorized to charge any addition fee(s) or credit any overpayments that may be necessary to Deposit Account No. 10-0100.

Respectfully Submitted

August 3, 2006

Date



Andrew F. Young, Esq.
Registration No. 44,001
Lackebach Siegel LLP
One Chase Road
Scarsdale, NY 10583
Telephone: (914) 723-4300
Telefax: (914) 723-4301
Email: ayoung@lsllp.com